

REMARKS

This amendment is in response to the outstanding Official Action dated October 7, 2002, the shortened statutory period for response having expired on January 7, 2003. In this regard, Applicant submits herewith a two-month extension petition to reset the deadline for responding to the Official Action to and including March 7, 2003. In view of the above amendments and within remarks, reconsideration of the Examiner's rejection is respectfully requested.

The Examiner has withdrawn claims 44-49 and 55-62 from further prosecution pursuant to 37 C.F.R. § 1.142(b) as being drawn to a non-elected species. In support of the withdrawal, the Examiner states that there is currently pending no allowable generic or linking claim. Of the pending claims, claims 36, 50, 63, 67 and 72 are presented in independent form. Each of these claims are considered to be generic, and upon their allowance, the withdrawing claims 44-49 and 55-62 are respectfully requested to be rejoined in this application.

The Examiner has rejected various claims under 35 U.S.C. § 112, second paragraph, as being indefinitely failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner states that claim 36 fails to provide proper antecedent basis for the limitation "a plurality of attachment components" in line 4. It is pointed out to the Examiner that this limitation immediately follows the transitional term "comprising." The objected to limitation is the first limitation set forth in Applicant's claim. There is therefore no requirement under 35 U.S.C. § 112, second paragraph, for providing an antecedent basis for the limitation referred to by the Examiner.

The Examiner also with respect to claim 36 states that there is improper antecedent basis for the limitations of "a

device" and "a surface" in line 6. It is pointed out to the Examiner that no antecedent basis is required, as these limitations are only inferentially claimed. As noted by claim 36, as now amended, the plurality of attachments are "adapted" for mounting a device to a surface. The use of the term "adapted" overcomes the Examiner's rejection.

As to claim 40, the Examiner objects to the limitation "at least one buffering pad" in line 2 as having improper antecedent basis. It is pointed out to the Examiner that this limitation is newly presented in claim 40 as one of the attachment components. As to claim 63, the Examiner states that there is improper antecedent basis for the limitation "a plurality of attachments" in line 5. Finally, the Examiner states that there is improper antecedent basis for the limitations "a device" and "a surface" in line 6 of claim 63. For similar reasons as previously discussed with respect to claim 36, the Examiner's rejection is considered traversed and should therefore be withdrawn. As all claims pending in this application are in full compliance with the provisions of 35 U.S.C. § 112, second paragraph, notice to the effect is respectfully requested.

The present application includes claims 36-43, 50-54 and 63-79, of which claims 36, 50, 63, 67 and 72 have been presented in independent form. Applicant notes that dependent claims 41 and 73 have been canceled without disclaimer or prejudice, and dependent claims 80-85 have been newly added. The Examiner in the Official Action has rejected claims 36, 37, 41, 63, 64, 72, 73, 74, 78 and 79 under 35 U.S.C. § 102(b) as being anticipated by *Koskinen*, U.S. Patent No. 3,568,963; claims 36, 37 and 38 under 35 U.S.C. § 102(b) as being anticipated by *Wester*, U.S. Patent No. 3,145,005; claims 42, 65 and 76 under 35 U.S.C. § 103(a) as being unpatentable over *Koskinen* in view of *Rossmann*, U.S. Patent No. 5,277,392; claim 39

under 35 U.S.C. § 103(a) as being unpatentable over *Koskinen* in view of *Murdock*, U.S. Patent No. 2,950,836; claim 40 under 35 U.S.C. § 103(a) as being unpatentable over *Wester* in view of *Murdock*; and claims 50-54, 66-71, 75 and 77 under 35 U.S.C. § 103(a) as being unpatentable over *Koskinen* in view of *Higgins*, U.S. Patent No. 1,785,518. In view of the below remarks, the Examiner's rejection is considered traversed and notice to that effect is respectfully requested.

Turning to *Wester*, there is disclosed only a single embodiment of a detachable pole holder as shown in assembled relationship in Figs. 1 and 2. Although the Examiner has identified *Wester* as disclosing a shaft holder 10, a threaded rod 34, a nut 38, a first hole and a clamping plate, the Examiner has failed to meet the remaining limitations of Applicant's independent claim 36. For example, there is no disclosure in *Wester* of Applicant's claimed kit including a plurality of attachment components adapted to be assembled into a plurality of attachments each of a different configuration. In *Wester*, the disclosed components can only be assembled into a single configuration of the bracket as shown. There is no other configuration disclosed or suggested. There is further no disclosure in *Wester* of Applicant's claimed first member having a first flange and a second flange generally perpendicularly attached to the first flange. Nor is there any disclosure of at least one of the plurality of attachments including the shaft holder being attached to the first member. Thus, the Examiner's rejection of Applicant's claims as being anticipated under 35 U.S.C. § 102(b) over *Wester* is traversed and should therefore be withdrawn.

As to all claims pending in this application, the Examiner relies upon *Koskinen* either as an anticipatory reference or rendering Applicant's invention obvious when combined with one of the secondary references. Applicant's

independent claims 36, 50, 63, 67 and 72 are in the nature of a kit which includes a plurality of attachment components which are adapted to be assembled into a plurality of attachments or mounting devices, each of a different configuration. The attachment components at least include a shaft holder and a first member constructed to include a first flange and a second flange generally perpendicularly attached to the first flange. Each of the plurality of attachments formed from the plurality of attachment components includes the shaft holder, and at least another one of the plurality of attachments also includes the first member to which the shaft holder is attached. There is no disclosure in *Koskinen* or the secondary references cited by the Examiner of this feature of Applicant's claimed kit for assembly into a plurality of attachments.

Turning to *Koskinen*, there is no disclosure of an assembled mounting device in which one of the assembled arrangements provide a shaft holder attached to a first member having a first flange and a second flange generally perpendicularly attached to the first flange. As shown in *Koskinen*, the shaft holder 24 is only attached to ball 30. As described, the umbrella post 20 may be locked into position by lowering locking sleeve 22 forcing ball 30 against ball joint 26. (See col. 1, lns. 60-64.) The ball 30 is, in turn, attached to a threaded rod 32. The threaded rod is, in turn, attached to mounting plate 34 as shown in Fig. 2 or C-clamp 70 as shown in Fig. 7. However, there is no disclosure in *Koskinen* of attaching the shaft holder to a first member constructed from perpendicularly arranged first and second flanges.

To this end, the Examiner states that *Koskinen* teaches a first member with first (near 40) flange with second hole (see Fig. 7) and a second flange (70). It is first pointed out to the Examiner that the shaft holder 24 is not attached to either the mounting bracket 40 or the C-shaped mounting bracket 70.

Rather, only the threaded rod 32 is connected to either of the mounting brackets. This is contrary to Applicant's claimed invention. Furthermore, element 40 referred to by the Examiner is part of the mounting bracket disclosed in Fig. 2, while element 70 is part of the C-shaped mounting bracket disclosed in Fig. 7. It is improper for the Examiner to refer to different mounting brackets in *Koskinen* as disclosing Applicant's first member having perpendicularly arranged first and second flanges.

The Examiner has apparently recognized this deficiency of *Koskinen*, thereby citing *Higgins*. The Examiner states that *Higgins* discloses a first member 33 having perpendicular flanges 33, 44 and a second member 36 having perpendicular flanges 36, 39. The Examiner states that it would be obvious to one having ordinary skill in the art to modify *Koskinen* to have substituted the C-shaped clamping member 70 and to replace it with the aforementioned first and second members of *Higgins*, since both are mechanical clamping members and *Higgins* would provide a better means of securing the device.

The resulting combination suggested by the Examiner of *Koskinen* and *Higgins* would not render obvious Applicant's claimed invention. In this regard, the substitution would still require that threaded rod 32 of *Koskinen* be attached to the mounting bracket disclosed in *Higgins*. As such, there is still no disclosure in the combination of a shaft holder being attached to one of the flanges of a first member having a L-shape formed by two perpendicularly arranged flanges. As previously discussed, the shaft holder of *Koskinen* is only attached to a ball 30 and not to one of the brackets disclosed in Figs. 2 or 7 of *Koskinen*. There is nothing to suggest mounting the shaft holder to one of the mounting brackets. In fact, even *Higgins* discloses its shaft holder 22 being mounted to ball 30.

Further in this regard, one significant feature of the mounting brackets in *Koskinen* and *Higgins* is the ability of the shaft holder to rotate into various angular orientations which is permitted by the ball construction. To this end, Applicant's newly proposed dependent claims 82-86 further define Applicant's invention over the cited prior art. As all claims possess the requisite novelty and unobviousness over the prior art of record, notice to that effect is respectfully requested.

In considering Applicant's within response, Applicant designates the rejected dependent claims as being allowable by virtue of their ultimate dependency upon submittedly allowable independent claims. Although Applicant has not separately argued the patentability of each of the dependent claims, Applicant's failure to do so is not to be taken as an admission that the features of the dependent claims are not themselves separably patentable over the prior art cited by the Examiner.

If, for any reason, the Examiner is of the opinion that the above actions cannot be taken at this time, she is invited to telephone the undersigned at telephone number (908) 654-5000 in order to overcome any additional issues that may be unresolved.

If there are any charges in connection with this requested amendment, the Examiner is authorized to charge deposit account No. 12-1095.

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Respectfully submitted,

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Version With Markings to Show Changes Made in Claims

36. (Four Times Amended) A kit for assembly into a plurality of attachments, each of said attachments adapted for mounting a device to a surface, said kit comprising a plurality of attachment components adapted to be assembled into a plurality of attachments each of a different configuration, each said attachment adapted for mounting a device to a surface, said attachment components at least including a shaft holder including a bottom wall having a first hole therein, a first member having a first flange and a second flange generally perpendicularly attached to said first flange, said first flange having a second hole formed therein, a threaded rod and a nut, at least one of said attachments comprising the assembly of less than all of said plurality of attachment components, provided that, each of said plurality of attachments includes said shaft holder ~~including a bottom having a first hole formed therein and~~ an open top forming a receptacle adapted for receiving the device, at least one of said plurality of attachments includes said first member attached to said shaft holder by passing said threaded rod through said first hole and said second hole and securing said nut on said threaded rod, and wherein the device is removably positionable within said shaft holder.

42. (Twice Amended) The kit as described in claim ~~3641~~, wherein said attachment components include at least one screw, one of said attachments includes said at least one screw and at least a third hole formed in said second flange, and said one of said attachments is attached to the surface by screwing said at least one screw through said at least a third hole and into the surface.

43. (Twice Amended) The kit as described in claim 3641, wherein said attachment components include a second member, a clamping mechanism and at least one screw, one of said attachments includes at least a third hole formed in said second flange; said second member having a third flange and a fourth flange generally perpendicularly attached to said third flange, said third flange having a fourth hole formed therein, and said fourth flange having at least a fifth hole formed therein; said clamping mechanism including a clamping plate and an adjustment means engageable with said clamping plate, wherein said first member is attached to said second member by screwing said at least one second screw through said third hole and said fifth hole, and said shaft holder is attached to the surface by clamping said surface between said first flange and said clamping plate, said adjustment means passing through said fourth hole and engaging and pushing said clamping plate into the surface.

44. (Twice Amended) The kit as described in claim 3641, wherein the surface is a panel wall having vertically aligned slots, and wherein said attachment components include a bracket and at least one bolt, one of said attachments includes at least a third hole formed in said second flange; said bracket having a plurality of hooks adapted to engage the vertically aligned slots, and at least a fourth hole formed therein, said bracket being mounted to the surface by engaging said plurality of hooks with vertically aligned slots, wherein said at least one bolt is passed through said at least a third hole and through said at least a fourth hole to secure said bracket to said first member.

48. (Twice Amended) The kit as described in claim 3641, wherein the surface is a slat wall having only upwardly facing slats, and wherein said attachment components include a first bracket, at least a first bolt, at least a first screw, a

second bracket, at least a second bolt, a corresponding nut and at least a second screw, one of said attachments includes at least a third hole formed in said second flange; said first bracket having a third flange and a fourth flange substantially perpendicularly attached to said third flange, said fourth flange having a lip adapted to engage one of said upwardly facing slats, said third flange having at least a fourth hole, at least a fifth hole, and at least one slot; said at least a first bolt for attaching said first bracket to said first member by passing said at least a first bolt through said at least a fourth hole and said at least a third hole; said at least a first screw for connecting said first bracket to the slat wall by passing said at least a first screw through said at least a fifth hole and engaging the slat wall; said second bracket having a fifth flange, a sixth flange substantially perpendicularly attached to said fifth flange, and a seventh flange angularly connected to said fifth flange, said sixth flange having a lip adapted to engage one of said upwardly facing slats, said fifth flange having at least a sixth hole, and said seventh flange having at least a seventh hole; said at least a second bolt and said corresponding nut attaching said second bracket to said first bracket by passing said at least a second bolt through said at least a sixth hole and said at least one slot, and securing said corresponding nut on said at least a second bolt; and said at least a second screw for connecting said second bracket to the slat wall by passing said at least a second screw through said at least a seventh hole and engaging the slat wall.

49. (Twice Amended) The kit as described in claim 3641, wherein the surface is a slat wall having upwardly facing slats and downwardly facing slats, and wherein said attachment components include a first bracket, at least a first bolt, at least a first screw, a second bracket, at least a second bolt, a

corresponding nut and at least a second screw, one of said attachments includes at least a third hole formed in said second flange; said a first bracket having a third flange and a fourth flange substantially perpendicularly attached to said third flange, said fourth flange having a lip adapted to engage one of said upwardly facing slats, said third flange having at least a fourth hole, at least a fifth hole, and at least one slot; said at least a first bolt for attaching said first bracket to said first member by passing said at least a first bolt through said at least a fourth hole and said at least a third hole; said at least a first screw for connecting said first bracket to the slat wall by passing said at least a first screw through said at least a fifth hole and engaging the slat wall; said second bracket having a fifth flange and a sixth flange substantially perpendicularly attached to said fifth flange, said fifth flange having at least a sixth hole, and said sixth flange having a lip adapted to engage of one of said downwardly facing slats and at least a seventh hole; said at least a second bolt and said corresponding nut for attaching said second bracket to said first bracket by passing said at least a second bolt through said at least a sixth hole and said at least one slot, and securing said corresponding nut on said at least a second bolt; and said at least a second screw for connecting said second bracket to the slat wall by passing said at least a second screw through said at least a seventh hole and engaging the slat wall.

50. (Thrice Amended) A kit for assembly onto a plurality of devices, each of said devices adapted for mounting an electronic component to a surface using one of said plurality of devices each of a different configuration that can be assembled from the kit, said kit comprising a shaft holder including a bottom having a first hole formed therein, and an open top forming a receptacle adapted for receiving the device, wherein the electronic component is removably insertable into

said receptacle; a plurality of threaded rods; a nut; a clamping plate having a second hole centrally located therein; a first member having a first flange and a second flange generally perpendicularly attached to said first flange, said first flange having a third hole formed therein, and said second flange having at least a fourth hole formed therein; and a second member having a third flange and a fourth flange generally perpendicularly attached to said third flange, said third flange having a fifth hole formed therein, and said fourth flange having at least a sixth hole formed therein; said shaft holder, said plurality of threaded rods, said nut, said clamping plate, said first member and said second member comprising attachment components adapted to be assembled into said plurality of devices, at least one of said plurality of devices comprising the assembly of less than all of said attachment components, provided that, each of said plurality of devices at least includes said shaft holder and at least another one of said plurality of devices includes said shaft holder attached to said first member.

63. (Four Times Amended) A kit for assembly onto a plurality of attachments, each of said attachments adapted for mounting a device to a supporting surface, said kit comprising— a plurality of attachment components adapted to be assembled into a plurality of attachments each of a different configuration, each of said attachments adapted for mounting a device to a surface, said attachment components at least including a shaft holder, a threaded rod, a nut, a first member having a first flange and a second flange generally perpendicularly attached to said first flange and a second member, at least one of said attachments comprising the assembly of less than all of said plurality of attachment components, provided that, each of said plurality of attachments at least includes said shaft holder, said shaft holder including a bottom

having a first hole formed therein and an open top forming a receptacle therein for receiving the device, at least another one of said plurality of attachments includes said shaft holder attached to said first member, and wherein the device is removably positionable within said shaft holder.

64. (Twice Amended) The kit as described in claim 63, wherein one of said attachments includes said first member having ~~a first flange and a second flange generally perpendicularly attached to said first flange,~~ said first flange having a second hole formed therein, and said first member attached to said shaft holder by passing said threaded rod through said second hole and said first hole and securing said nut on said threaded rod.

67. (Four Times Amended) A kit for assembly into a plurality of mounting devices, each of said mounting devices adapted for mounting an electronic device to a supporting surface using one of a plurality of said mounting devices each of a different configuration that can be assembled from the kit, said kit comprising a shaft holder including a bottom having a first hole formed therein and an open top forming a receptacle adapted for receiving the device, wherein the electronic device is removably insertable into said receptacle; a plurality of threaded rods; a nut; a clamping plate; a first member having a first flange and a second flange generally perpendicularly attached to said first flange, said first flange having a second hole formed therein, and said second flange having at least a third hole formed therein; and a second member having a third flange and a fourth flange generally perpendicularly attached to said third flange, said third flange having a fourth hole formed therein, and said fourth flange having at least a fifth hole formed therein; said shaft holder, said plurality of threaded rods, said nut, said clamping plate, said first member and said second member comprising attachment components adapted to be

assembled into said plurality of mounting devices, at least one of said plurality of mounting devices comprising the assembly of less than all of said attachment components, provided that, each of said plurality of mounting devices at least includes said shaft holder and at least another one of said plurality of mounting devices including said shaft holder attached to said first member.

72. (Thrice Amended) A kit adapted for assembly into a plurality of attachments adapted for mounting a device to a supporting surface, said kit comprising a shaft holder including a bottom and an open top forming a receptacle therein adapted for receiving the device, and a first member having a first flange and a second flange generally perpendicularly attached to said first flange, wherein the device is removably positionable within said shaft holder; and a plurality of attachment components adapted to be assembled into a plurality of attachments each of a different configuration for attaching said shaft holder to the surface, at least one of said attachments comprising the assembly of less than all of said plurality of attachment components, provided that, each of said plurality of attachments at least includes said shaft holder and at least another one of said plurality of attachments includes said shaft holder attached to said first flange of said first member.